

By: Minjarez

H.B. No. 90

A BILL TO BE ENTITLED

AN ACT

relating to expanding the category of persons required to pay certain costs on conviction imposed to support drug court programs.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Article 102.0178, Code of Criminal Procedure, is amended to read as follows:

Art. 102.0178. COSTS IMPOSED ON CONVICTION TO SUPPORT DRUG COURT PROGRAMS [~~ATTENDANT TO CERTAIN INTOXICATION AND DRUG CONVICTIONS~~].

SECTION 2. Article 102.0178(a), Code of Criminal Procedure, is amended to read as follows:

(a) In addition to other costs on conviction imposed by this chapter, a person shall pay \$60 as a court cost on conviction of an offense punishable as a Class B misdemeanor or any higher category of offense [~~under:~~

~~(1) Chapter 49, Penal Code, or~~

~~(2) Chapter 481, Health and Safety Code].~~

SECTION 3. Section 102.021, Government Code, is amended to read as follows:

Sec. 102.021. COURT COSTS ON CONVICTION: CODE OF CRIMINAL PROCEDURE. A person convicted of an offense shall pay the following under the Code of Criminal Procedure, in addition to all other costs:

(1) court cost on conviction of any offense, other

1 than a conviction of an offense relating to a pedestrian or the
2 parking of a motor vehicle (Art. 102.0045, Code of Criminal
3 Procedure) . . . \$4;

4 (2) a fee for services of prosecutor (Art. 102.008,
5 Code of Criminal Procedure) . . . \$25;

6 (3) fees for services of peace officer:

7 (A) issuing a written notice to appear in court
8 for certain violations (Art. 102.011, Code of Criminal Procedure)
9 . . . \$5;

10 (B) executing or processing an issued arrest
11 warrant, *capias*, or *capias pro fine* (Art. 102.011, Code of Criminal
12 Procedure) . . . \$50;

13 (C) summoning a witness (Art. 102.011, Code of
14 Criminal Procedure) . . . \$5;

15 (D) serving a writ not otherwise listed (Art.
16 102.011, Code of Criminal Procedure) . . . \$35;

17 (E) taking and approving a bond and, if
18 necessary, returning the bond to courthouse (Art. 102.011, Code of
19 Criminal Procedure) . . . \$10;

20 (F) commitment or release (Art. 102.011, Code of
21 Criminal Procedure) . . . \$5;

22 (G) summoning a jury (Art. 102.011, Code of
23 Criminal Procedure) . . . \$5;

24 (H) attendance of a prisoner in habeas corpus
25 case if prisoner has been remanded to custody or held to bail (Art.
26 102.011, Code of Criminal Procedure) . . . \$8 each day;

27 (I) mileage for certain services performed (Art.

1 102.011, Code of Criminal Procedure) . . . \$0.29 per mile; and
2 (J) services of a sheriff or constable who serves
3 process and attends examining trial in certain cases (Art. 102.011,
4 Code of Criminal Procedure) . . . not to exceed \$5;
5 (4) services of a peace officer in conveying a witness
6 outside the county (Art. 102.011, Code of Criminal Procedure) . . .
7 \$10 per day or part of a day, plus actual necessary travel expenses;
8 (5) overtime of peace officer for time spent
9 testifying in the trial or traveling to or from testifying in the
10 trial (Art. 102.011, Code of Criminal Procedure) . . . actual cost;
11 (6) court costs on an offense relating to rules of the
12 road, when offense occurs within a school crossing zone (Art.
13 102.014, Code of Criminal Procedure) . . . \$25;
14 (7) court costs on an offense of passing a school bus
15 (Art. 102.014, Code of Criminal Procedure) . . . \$25;
16 (8) court costs on an offense of parent contributing
17 to student nonattendance (Art. 102.014, Code of Criminal Procedure)
18 . . . \$20;
19 (9) cost for visual recording of intoxication arrest
20 before conviction (Art. 102.018, Code of Criminal Procedure) . . .
21 \$15;
22 (10) cost of certain evaluations (Art. 102.018, Code
23 of Criminal Procedure) . . . actual cost;
24 (11) additional costs attendant to certain
25 intoxication convictions under Chapter 49, Penal Code, for
26 emergency medical services, trauma facilities, and trauma care
27 systems (Art. 102.0185, Code of Criminal Procedure) . . . \$100;

1 (12) additional costs attendant to certain child
2 sexual assault and related convictions, for child abuse prevention
3 programs (Art. 102.0186, Code of Criminal Procedure) . . . \$100;

4 (13) court cost for DNA testing for certain felonies
5 (Art. 102.020(a)(1), Code of Criminal Procedure) . . . \$250;

6 (14) court cost for DNA testing for certain
7 misdemeanors and felonies (Art. 102.020(a)(2), Code of Criminal
8 Procedure) . . . \$50;

9 (15) court cost for DNA testing for certain felonies
10 (Art. 102.020(a)(3), Code of Criminal Procedure) . . . \$34;

11 (16) if required by the court, a restitution fee for
12 costs incurred in collecting restitution installments and for the
13 compensation to victims of crime fund (Art. 42.037, Code of
14 Criminal Procedure) . . . \$12;

15 (17) if directed by the justice of the peace or
16 municipal court judge hearing the case, court costs on conviction
17 in a criminal action (Art. 45.041, Code of Criminal Procedure)
18 . . . part or all of the costs as directed by the judge; and

19 (18) costs imposed on conviction of an offense
20 punishable as a Class B misdemeanor, or of any higher category of
21 offense [~~attendant to convictions under Chapter 49, Penal Code, and~~
22 ~~under Chapter 481, Health and Safety Code~~], to support [~~help fund~~]
23 drug court programs established under Chapter 122, 123, 124, or
24 125, Government Code, or former law (Art. 102.0178, Code of
25 Criminal Procedure) . . . \$60.

26 SECTION 4. Article 102.0178, Code of Criminal Procedure, as
27 amended by this Act, applies only to a cost on conviction for an

1 offense committed on or after the effective date of this Act. An
2 offense committed before the effective date of this Act is governed
3 by the law in effect when the offense was committed, and the former
4 law is continued in effect for that purpose. For purposes of this
5 section, an offense was committed before the effective date of this
6 Act if any element of the offense occurred before that date.

7 SECTION 5. This Act takes effect September 1, 2017.